PART II. INSTRUCTIONS FOR ENTRY

1.   Applicant has previously filed After-Final Amendments to the Claims under 37 C.F.R. § 1.116 on 30 May 2007 in response to the aforementioned Final Rejection. In the Examiners' Advisory Action dated 26 June 2007, such After-Final Amendments under 37 C.F.R. § 1.116 filed were denied entry by the Examiners. Thus, the markings in the above-listed Amendment to the Claims for indicating the texts of the added and deleted subject matters were made relative to the *last-entered* Amendments filed 30 March 2007.

2.   Applicant respectfully requests that, the Office DO enter the Amendments to the Claims included in the present Submissions under 37 C.F.R. § 1.114, and DO NOT enter the previously proposed After-Final Amendments under 37 C.F.R. § 1.116 filed 30 May 2007. See MPEP § 706.07(h).

PART III. REQUEST FOR WITHDRAWAL OF FINALITY OF OFFICE ACTION

1.   The Examiners' 26-Apr Office Action was made final, upon which the prosecution in the Application was closed. In view of the present Submissions and of the RCE enclosed herewith, pursuant to 37 C.F.R. § 1.114, Applicant respectfully requests that the Examiners withdraw such finality of the 26-Apr Office Action, so as to reopen the prosecution, and that a notice to that effect be promptly sent to Applicant.

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PART IV. REMARKS / NEW ARGUMENTS
(Reply under 37 C.F.R. § 1.111)

1.   Applicant respectfully requests reconsideration and further examination of the Application in view of the foregoing Amendments, the following REMARKS, and of the Affidavit under 37 C.F.R. §1.132 in **PART V** hereinbelow and the documentary evidences attached hereto as **EXHIBITS I** and **II**. In the Examiners' 26-Apr Office Action, the Examiners failed to identify several key differences between the claimed invention and DELEEUW (U.S. Pat. No. 6,353,450), the primary prior art reference applied therein. Moreover, the Examiners made the rejections therein based in part on the Examiners' personal opinion without evidentiary support in the record as the principal evidence and without being judiciously applied, which is impermissible (See 37 C.F.R. § 1.104(d)(2); MPEP § 2144.03); Moreover, there is a preponderance of evidence in the record supporting Applicant's Traverses, as hereinafter more fully appear.

§ ONE. STATUS OF CLAIMS

2.   Applicant originally presented Claims 1-23 for consideration in the Application. In Applicant's subsequent preliminary amendments, (i) Claims 1-23 were cancelled; (ii) Claims 24-60 were added; and thereafter, (iii) Claims 1-60 were cancelled, and Claims 61-80 were added. In the last-entered Amendments to the Claims filed 30 March 2007, Claims 1-60, 64-67, and 69-80 were cancelled, without prejudice, and Claims 81-89 were added. Claims 61-63, 68, and 81-89 stand rejected by the Examiners. In the present AMENDMENT/REPLY, Claims 61, 62, 81, 82, 85, 87 and 88 are amended, Claims 83, 84, and 86 are canceled, without prejudice, and new Claims 90-99 are added. Accordingly, Claims 61-63, 68, 81, 82, 85, 87-89, as amended (if any), and the newly added Claims 90-99 are presented for prosecution.

3.   The amendments and cancellations of Claims in the present and previous Amendment Papers were made for the purpose of presenting the Claims in better form and/or for placing the Application in better condition for allowance.

§ TWO. CLAIM REJECTION UNDER 35 U.S.C. § 102

4.   Applicant respectfully traverses the Examiners' rejections of Claims 61, 68, and 81-89, under 35 U.S.C. § 102(b), as being anticipated by DELEEUW.

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§ 2.1. Legal Concept of § 102 Anticipation

5.   The legal concept of anticipation under 35 U.S.C. § 102 is well established as that, (i) <u>every</u> <u>claim element</u> in the claim must be found in a single prior art reference, and that **(ii)** the claim elements found in the prior art reference must also be arranged as required by the claim. See, *e.g.*, **(A)** *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) ("A claim is anticipated only if <u>each and every element as set forth in the claim</u> is found, either expressly or inherently described, in a single prior art reference." [*emphasis added*]); and **(B)** *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989) ("The <u>identical invention must be shown in as complete detail</u> as is contained in the ...claim." and "Every element of the claimed invention must be literally present, arranged as in the claim" [*emphasis added*]); See also MPEP § 2131. Moreover, evidence of secondary consideration, such as unexpected result or commercial success, and the issues of non-analog art and teaching away from claimed subject matter are not relevant to a §102 rejection.

§ 2.2. Claim Elements Not Found in DELEEUW.

6.   Applicant respectfully submits that the following claim elements are not found in DELEEUW:

    (i)   In <u>Claim 61</u> and in those depending therefrom: **(a)** "LIVE INFORMATION ... SAID LIVE INFORMATION BEING REPRESENTED BY LIVE INFORMATION DATA RECEIVED FROM SAID REMOTE COMPUTER, SAID LIVE INFORMATION DATA INCLUDING <u>TEXTUAL DATA</u> ... ";   and   **(b)** " ... <u>LIVE-INFORMATION-DISPLAY COMPONENT</u> FOR CAUSING SAID LIVE COMPONENT TO BE REGULARLY SITUATED ON ... SAID DEFAULT DESKTOP DISPLAY ...";

    (ii)   In <u>Claim 82</u> and in those depending therefrom: **(a)** " ... <u>LIVE INFORMATION</u> REPRESENTED BY LIVE INFORMATION DATA RECEIVED FROM A REMOTE COMPUTER ..., SAID LIVE INFORMATION DATA INCLUDING <u>TEXTUAL DATA</u> ...";   and   **(b)** "<u>LIVE-INFORMATION-DISPLAY COMPONENT</u> FOR CAUSING A LIVE COMPONENT TO BE REGULARLY SITUATED ON ... SAID DEFAULT DESKTOP DISPLAY ..."; and

    (iii)   In <u>Claim 88</u> and in those depending therefrom: "A <u>WINDOW</u> ... WHEREIN AT LEAST A PORTION OF SAID WINDOW APPEARS <u>VISUALLY TRANSPARENT</u>

TO A USER; ... SAID WINDOW INCLUDING A <u>USER-INTERACTION FUNCTION</u> FOR CAUSING SAID WINDOW TO BE <u>CLOSED</u> OR FOR CAUSING SAID DISPLAY AREA OF SAID WINDOW TO BE <u>MINIMIZED</u> IN RESPONSE TO SAID COMPUTER SYSTEM RECEIVING A USER-INPUT SIGNAL FROM A USER-INPUT POINTING DEVICE".

§ 2.3. <u>Claims 61 and 82 – Differences Between Claimed Invention and DELEEUW</u>

7.1   The invention of Claims 61 and 82 and of those depending therefrom pertains to a multi-purpose computer system, which includes a "DEFAULT DESKTOP DISPLAY" and in which a "LIVE COMPONENT" is regularly situated on the default desktop display; the live component includes "LIVE INFORMATION" received from a "REMOTE COMPUTER" through an electronic network connected thereto.

7.2   DELEEUW also discloses a computer system (100), and pertains to employing real-time video as user input means for a user to interact with the operating system and/or any of the application programs of the computer system that are displayed simultaneously with the video (*i.e.*, there are two layers of display, with the video layer being made transparent). The video data may be transmitted to the computer system from a video camera (501) coupled thereto or from other video sources. The user-interaction using video input in DELEEUW is realized by analyzing video data signals to detect an object (such as a human hand/finger) in the video scene and to detect the overlapping of such an object with other interactive elements simultaneously displayed. See, *e.g.*, DELEEUW 1:23-26; 1:29-52; 3:14-19.

8.   The similarity between the claimed invention and DELEEUW is that, in both two cases, live (or real-time) information received from an external source is regularly displayed. **HOWEVER,** there exist critical differences between the claimed invention and DELEEUW, including:

    (i)   <u>TEXTUAL DATA</u> :   In the claimed invention, the live information received from the remote computer includes "TEXTUAL DATA" that pertain to textual description of a live event;   **IN CONTRAST,** in DELEEUW, the so-called live information received from an external source comprises only <u>VIDEO DATA</u> (500) (as opposed to textual data) that represents direct reflection or imaging of a live (physical) scene

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captured by an instrument (camera); Such video data may be received from a video camera (501) or from other sources. See § 2.4. below.

(ii)   APPLICATION FOR DISPLAYING TEXT DATA :   The claimed invention includes a "LIVE-INFORMATION-DISPLAY COMPONENT", which is provided for displaying the "TEXTUAL DATA" of said "LIVE INFORMATION" received from the remote computer;   IN CONTRAST, DELEEUW does not teach providing any application program for receiving, displaying, or processing *textual* data received from an external source; The application programs (502/510 and 502/802) disclosed in DELEEUW are *ONLY* provided for receiving, displaying, or handling *VIDEO data* (500) (as opposed to textual data) received from an external source; such a fact is supported by a preponderance of evidence in the teaching of DELEEUW. See § 2.5. below.

These differences between the claimed invention and DELEEUW are reflected in the claim elements set out in § 2.2. hereinabove.

§ 2.4. Errors in Rejecting Claims 61 and 82 – PART A (Different Data Type)

9.   The Examiners' errors in rejecting Claims 61 and 82 are readily evident in view of the foregoing differences between the claimed invention and DELEEUW and of the foregoing legal concept of anticipation under 35 U.S.C. §102.

§ 2.4.a. Inherency based on Examiners' Unsupported Personal Opinions

10.   In rejecting Claims 61 and 82, on pages 3-5 of the 26-Apr Office Action, the Examiners alleges that (theory of inherency) (a) the ref. no. 22 in FIG. 2 in DELEEUW (*i.e.*, DELEEUW FIG. 2:22) is (inherently) equivalent to "stock quotes" and "stock prices", and (b) these finance-related terms means the inherent teachings therein of the claim elements of "LIVE INFORMATION" and "LIVE INFORMATION DATA [RECEIVED FROM SAID REMOTE COMPUTER] INCLUDING TEXTUAL DATA" in Claims 61 and 82.

11.a.   HOWEVER, (i) DELEEUW only teaches ref. no. 22 as a "stock ticker" (not as "stock quotes" or "stock prices"); See In DELEEUW, Column 5: lines 56-59, and FIG. 2 (*i.e.*, DELEEUW 5:56-59; FIG. 2); that is a fact; and (ii) No languages or terms can be found in the teaching of

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DELEEUW that would suggest that the ref. no. 22 in FIG. 2 is text data or represents text data received from an external source.

11.b. **TO THE CONTRARY**, there is a <u>preponderance of evidence</u> suggesting that, (A) ref. no. 22 in DELEEUW is video data representing reflection or imaging of a physical scene (See §§ 2.4.c-d. below); and (B) the term "stock ticker", as originally used in DELEEUW in association with ref. no. 22 therein, means a physical device. See § 2.4.c. and **PART V** below and **EXHIBITS I and II** attached hereto.

11.c. In order to establish the foregoing inherency, the Examiners are required to (i) provide evidence and/or sound technical reasoning to support the alleged inherent characteristics, *i.e.*, <u>the term "stock ticker" in DELEEUW, which is in the field of finance report, means inherent teachings of the technical concept of text data being received from a remote computer in the art of computer networking</u>, and (ii) to explain how such inherent characteristics would <u>necessarily flow from the teachings of DELEEUW</u>. *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) ("**In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic <u>necessarily</u> flows from the teachings of the applied prior art.**" (Emphasis in original)). It is plainly clear that the Examiners failed to comply with these requirements in establishing the foregoing inherency, since the Examiners neither rendered any technical reasoning nor provided any evidence in support of the aforementioned theory of inherency *at all*. In fact, in support of the rejections of Claims 61 and 82 (see pages 3-5 of the 26-Apr Office Action), <u>the Examiners only provided very vague conclusive languages without even expressly acknowledging the application of inherency theory or the like</u>.

§ 2.4.b. <u>Examiners' Personal Opinion not Judiciously Applied</u>

12. The foregoing demonstrates that, the Examiners did not make the rejections based entirely on the teachings of DELEEUW; and it is plainly clear that the rejections of Claims 61 and 82 were based on the Examiners' personal opinion or knowledge as to (i) the meaning of the term "stock ticker" (ref. no. 22 in DELEEUW), which is a finance-related language; and (ii) the direct association of the finance-related terms "stock ticker", "stock quotes", or "stock prices" with the

technical concept of text data being received from a remote computer in the art of computer networking and software engineering. 37 C.F.R. §1.104(d)(2) provides,

> "When a rejection in an application is based on facts within the personal knowledge of an employee of the Office, the data shall be as specific as possible, and the reference must be supported, when called for by the applicant, by the affidavit of such employee, and such affidavit shall be subject to contradiction or explanation by the affidavits of the applicant and other persons."

13.   Evidently, in rejecting Claims 61 and 82 in the 26-Apr Office Action, the Examiner failed to comply with two of the requirements set forth in 37 C.F.R. §1.104(d)(2), including: (i) "the data shall be as specific as possible" as to the meaning of "stock ticker" and its direct association with the technical concept of text data being received from a remote computer in the art of computer networking and software engineering, and (ii) "the reference must be supported, when called for by the applicant, by the affidavit of such employee", because in Applicant's REPLY filed 30 March 2007, in paragraph 25 on page 15, Applicant did request that the Examiner take *Official Notice* of any facts deemed common knowledge and provide evidence in support thereof pursuant to 37 C.F.R. §1.104(d)(2). The Examiners failed to comply in the 26-Apr Office Action. Note that, taking official notice of matter not in the record on which any rejection is based is the minimum procedural requirement set forth in MPEP § 2144.03.

§ 2.4.c. Evidences Traversing Rejections; Requests for Examiners to Produce Evidence under 37 C.F.R. §1.104(d)(2)

14.   Applicant's documentary evidences in support of Applicant's statement that the term "stock ticker" (ref. no. 22 in DELEEUW) means, in general, a physical device are attached hereto as EXHIBITS I and II. These documentary evidences are introduced through the AFFIDAVIT in PART V below.

15.   These evidences, and the teachings of DELEEUW (See § 2.4.d. below) are completely against, and thus Applicant respectfully traverses the Examiners' Assertions (theory of inherency) that (i) the term "stock ticker" (which is a finance-related term) is (inherently) equivalent to the finance-related terms "stock prices" or "stock quotes", and (ii) any of these finance-related

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languages would means inherent teachings of the technical concept of textual data being received from a remote computer in the field of computer networking and software engineering.

16.   Accordingly, **Applicant respectfully requests**, pursuant to 37 C.F.R. §1.104(d)(2), that if the rejections are to be maintained in the ensuing office action, the Examiners provide evidence or authority in support of the aforementioned Examiners' Assertions (theory of inherency), such as documentary evidence or Affidavit/Declaration by the Examiners or by other Office Employee under 37 C.F.R. §1.104(d)(2), so as to satisfy the substantial evidence standard. *In re Zurko*, 258 F.3d 1379, 1385-86 (Fed. Cir. 2001). See also MPEP§ 2144.03. [Note: if any of these evidences are produced by the Examiners, it would be more appropriate that the rejections (if maintained) be made under 35 U.S.C. 102/103. *In re Best*, 562 F.2d 1252, 1255 n.4, 195 USPQ 430, 433 n.4 (CCPA 1977)]

§ 2.4.d. Evidence of DELEEUW Suggesting Ref. No. 22 as Video Data – Process Analysis

17.   With respect to the technical concept of "LIVE INFORMATION" being received by a computer system (100) from an external source, throughout the disclosure of DELEEUW, such live information received from an external source is taught as live or real-time video imagings reflecting a (physical) "scene" captured by a video camera. See, *e.g.*, in DELEEUW, 1:31-33; 1:42-49; 2:55-60; 3:46-50; 11:45-48; 18:42-44. (Notice the keywords "video", "scene", "capture", and "reflect").

18.   In DELEEUW, the ref. no. 22 in FIG. 2 is a portion of a "Transparent Graphics Frame Buffer" 18 (hereinafter, the "Buffer 18"). See DELEEUW FIG. 2; 5:47-59. DELEEUW provides a lengthy description of the application processes associated with the Buffer 18, through which DELEEUW plainly suggests that, ref. no. 22 is a portion of the Buffer 18 that is provided for storing video data. The analysis of these application processes associated with the Buffer 18 is as follows (Note that the critical elements in these processes are the ref. nos. 18 and 528):

    (a)   It is fully demonstrated in § 2.5.a. below that, the application programs 502/510 and 502/802 in DELEEUW are provided for processing video data *only*;

    (b)   In DELEEUW 7:58-9:59 and 9:59-11:31, a technical concept of double buffering or multiframe buffering technique is described in association with the Buffer 18 and with FIGS. 2-9

.(especially FIGS. 2, 5 and 8); Note that, the Buffer 18, in which is contained the ref. no. 22, is expressly included in the process associated with FIGS. 2 and 5;

(c) In DELEEUW, the ref. no. 528, "Video Renderer with Transparency", of FIG. 11 is the element in the application programs 502/510 that implements the foregoing "double buffering" or "multiple frame buffers" technique described in association with FIGS. 4-9 (especially FIG. 5). See DELEEUW 13:48-51; FIG. 11; .

(d) In DELEEUW, the actual process of ref. no. 528, "Video Renderer with Transparency", of FIG. 11 is described in detail through the description of FIGS. 15-16. See DELEEUW 16:44-17:50; 16:44-47; FIGS. 15-16; (*i.e.*, the technical concept described in association with FIGS. 4-9 (especially FIG. 5) is applied in the process of FIGS. 15-16).

(e) At the step 704 of the FIG. 15 process (the detailed illustration of ref. no. 528 of FIG. 11), the aforementioned "Transparent Graphic Frame Buffer", *i.e.*, the Buffer 18, is created; DELEEUW 16:50-55; FIG. 15;

(f) The Buffer 18 is destroyed at step 718 of FIG. 15; DELEEUW 17:2-4; FIG. 15.

19.   CONCLUSION: Since the Buffer 18 is created at step 704 of the process of FIG. 15, which is a sub-process or a filter (528) of the application program 502/510 (FIG. 11), which is a **video-data** processing application (as is fully demonstrated in § 2.5.a. below), the Buffer 18 must be created for storing video data. Since the ref. no. 22, referred to as "stock ticker" in DELEEUW, is a portion of the Buffer 18, then ref. no. 22 must also be video data.

§ 2.5. Error in Rejecting Claims 61 and 82 – PART B (Different Application Program)

20.   In rejecting Claim 82, on page 5 of the 26-Apr Office Action, the Examiners alleges that, the ref. no. 502 in FIG. 10 in DELEEUW is equivalent to the claim element of "LIVE-INFORMATION-DISPLAY COMPONENT" in Claim 82. **HOWEVER,** such a claim element in Claim 82 (also in Claim 61, as amended) is provided for displaying/processing *textual* data, *i.e.*, "FOR CAUSING A LIVE COMPONENT TO BE REGULARLY SITUATED ON... SAID LIVE COMPONENT INCLUDING LIVE INFORMATION REPRESENTED BY LIVE INFORMATION DATA RECEIVED FROM A REMOTE COMPUTER THROUGH SAID ELECTRONIC NETWORK, SAID LIVE INFORMATION DATA INCLUDING TEXTUAL DATA" in Claim 82.

IN CONTRAST, the application programs 502/510, as well as 502/802, in DELEEUW are provided for processing video data 500 received from a video camera 501 (or from other external sources). All components of the application programs 502/510 are provided for handling video data. See DELEEUW FIGS. 10-11; 11:32-14:29. Note that, in DELEEUW FIG. 10, the incoming data received from an external source is ref. no. 500, which is referred to therein as "**video data**" and "video data signal"; the external source is a video camera 501 (or "any other video sources"). See DELEEUW 11:34-36.

§ 2.5.a. Evidence of DELEEUW Teaching Video-Data Applications – Keywords Analysis

21.   In describing FIGS. 10-11 in DELEEUW 11:32-14:29, the plain language therein provides a preponderance of evidence as to the fact that the application programs 502/510 and all its components (or "filters") are provided for processing video data *only*, which is demonstrated through keyword analysis as follows:

(a)   With respect to the data input of the application program 502, which is the **video data 500** (which are the *only data* received from any **external source**); DELEEUW FIG. 10; 11:34-37;

(b)   In DELEEUW 12:18-25, with respect to the application program (502); Notice the *keywords* "video data stream" and "multimedia data stream";

(c)   In DELEEUW 12:60-65, with respect to the "filter graph manager" (504); Notice the languages of "starting, pausing, or stopping the multimedia data stream";

(d)   In DELEEUW 13:13-17, Notice the *keywords* "video data" (500) and "streaming";

(E)   In DELEEUW 13:32-38, with respect to the "video capture filter" (520) and the "tee filter" (522); Notice the *keywords* "data stream", "frames of video data", and that the function of the filter 520 is to "captures individual **frames** of video data signals received ..."[*emphasis added*];

(f)   In DELEEUW 13:38-46, with respect to the two "color space converters" (524 and 526); Notice the *keywords* "**pixel format**" and "video data signals";

(g)   In DELEEUW 13:61-65, with respect to the "color analyzer filter" (530); Notice the *keywords* "**pixel**" and "data streams", and the function of the filter 530;

(h)   In DELEEUW 14:1-4, with respect to the "blob detector filter" (532); Notice the *keywords* "pixel", "data stream", and "**blocks of pixels**".

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§ 2.5.b. Other Application Programs (502/802) in DELEEUW

22. In addition to the aforementioned application program filter graph 510, which is a component of the application program 502, DELEEUW also teaches an alternative therefore, *i.e.*, the filter graph 802, in association with the description of FIG. 17 therein. See DELEEUW 17:51-18:65; FIG. 17. According to these teachings in DELEEUW,

(i) Most of the sub-components (or "filters") within the filter graph 802, such as the filters associated with the ref. nos. 520, 522, 524, 526, 528, 530, and 532, are substantially the same as that of the filter graph 510. See DELEEUW 18:6-9; FIGS. 11 and 17;

(ii) Compared with the filter graph 510, the filter graph 802 includes an additional component or filter, *i.e.*, the TCMF 800 (DELEEUW 17:56-58; FIG. 17), which is provided for communicating with the blob detector 532 (a component of the filter graph 802) and also with a "controlling application" 804, which is not a component of the filter graph 802 (DELEEUW 17:61-64; FIG. 17). An example of such controlling application 804 is slide show presentation software "Power Point" from Microsoft (MS) (DELEEUW 18:47-51), which, as it is well known, was (at least at the time of DELEEUW's filing date of February 1999) NOT a network-related application. Thus, DELEEUW inherently teaches that the controlling application 804 is a local application program that is to be executed by the local computer and which does not have any network communication functionality (such as receiving data from a remote computer), as is clearly indicated by DELEEUW FIG. 17 and by employing therein of the MS Power Point as an "embodiment" of the controlling application 804 (DELEEUW 18:47-51);

(iii) Therefore, the filter graphs 802 and 510, both provided as a sub-component of the application program 502 of FIG. 10, have the same type of input data (*i.e.*, **video data** 500) that are to be received from any **external source**. DELEEUW 17:58-61; FIGS. 10, 11, and 17.

23. CONCLUSION: Therefore, it is plainly clear that, all the application programs disclosed in DELEEUW, including the ones associated with the ref. nos. 502/510 and 502/802, are provided for processing video data. No languages or terms can be found in DELEEUW that would suggest the teaching of any application program that would process or display textual data received from an external source. Such a conclusion is supported by a preponderance of evidence, as are fully demonstrated by the foregoing keywords analysis in § 2.5.a. above.

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§ 2.6. Claims 68, 81, 85, 87, and 91-99

24.   Claims 68, 81, and 91-93 depend from Claim 61; they cannot be anticipated by DELEEUW when Claim 61 is not anticipated by DELEEUW, as is fully demonstrated in §§ 2.4-5 above. Similarly, since Claims 85, 87 and 94-99 depend from claim 82, they cannot be anticipated by DELEEUW when Claim 82 is not anticipated by DELEEUW, as is fully demonstrated in §§ 2.4-5 above.

§ 2.7. Claims 88 – Error in Rejection

25.   In rejecting Claim 88, on page 7 of the 26-Apr Office Action, the Examiners alleges that, (i) in DELEEUW 5:65-6:20; FIG. 2, the ref. no. 22 is equivalent to the claim element "DISPLAY CONTENT ASSOCIATED WITH AN APPLICATION ... TO BE DISPLAYED WITHIN A WINDOW ... WHEREIN AT LEAST A PORTION OF SAID WINDOW APPEARS VISUALLY TRANSPARENT ..." (*i.e.*, the technical concept of "Transparent Window"); and (ii) the application program 502 in FIG. 10 in DELEEUW is equivalent to the claim element "APPLICATION PROGRAM COMPONENT ..." associated with the "DISPLAY CONTENT" within the "Transparent Window". Applicant respectfully traverses such a rejection.

26.   With respect to the technical concept of a conventional computer "window" (display), it is well known in the art that, a fundamental characteristics of such a computer window is that, it shall include the functionality of allowing it to be individually closed or minimized by a user using an input pointing device (such as a mouse). **HOWEVER,** In DELEEUW 5:65-6:20; FIG.2;22, although the transparent layer (Buffer) 18 includes two items, *i.e.*, the items 20 and 22, the two transparent areas associated with the two items 20 and 22 cannot be individually closed or minimized by a user, because these two items, as well as the entire transparent layer, are all stored on a single block of memory space, *i.e.*, the Buffer 18. See DELEEUW 5:48-59; FIG. 2. Such a teaching in DELEEUW clearly indicates that, these two items 20 and 22 are not contained within two separate windows (nor one contained within a window, and the other rendered as a background). Moreover, for example, the issue of overlapping between the two items 20 and 22 would also arise (Since based on the conventional understanding of the technical concept of computer "window" (display), any two windows shall be allowed to be overlapped with one another

(either entirely or partially)). Therefore, the item 22 in DELEEUW FIG. 2 is not the same as the technical concept of "Transparent Window" within the meaning of Claim 88.

27. Moreover, it is fully demonstrated in § 2.4. hereinabove that, FIG.2:22 in DELEEUW is just a portion of a real-life physical scene captured by a video camera. DELEEUW does NOT teaches that the application program 502 receives data input from two separate data sources at the same time (such as from two video camera, or one from a text data source and another from a camera), that is a fact. See DELEEUW FIGS. 10-11; 11:32-14:29. Thus, DELEEUW does not teach that the two items 20 and 22 are displayed within two separate windows.

28. In order to further illustrate these differences between the claimed invention and DELEEUW, the following claim limitation is added to Claim 88:

"SAID WINDOW INCLUDING A USER-INTERACTION FUNCTION FOR CAUSING SAID WINDOW TO BE CLOSED OR FOR CAUSING SAID DISPLAY AREA OF SAID WINDOW TO BE MINIMIZED IN RESPONSE TO SAID COMPUTER SYSTEM RECEIVING A USER-INPUT SIGNAL FROM A USER-INPUT POINTING DEVICE."

29. As demonstrated in §§ 2.4-5. above, in DELEEUW, the transparent layer 18 and the related data are processed and rendered by the application program 502/510; The Buffer 18 (i.e., the transparent layer) is closed at step 718 of FIG. 15, where the Buffer 18 is destroyed when "there are no more video frames to process" (i.e., when the video camera is turned off or removed from the computer system). See DELEEUW 17:2-4; FIG. 15. Thus, not only that DELEEUW does not teach allowing the transparent areas associated with ref. nos. 20 and 22 to be individually closed, DELEEUW also does not teach allowing the entire transparent layer (Buffer) 18 to be closed by the user through a "USER-INPUT POINTING DEVICE" (claim language in Claim 88, as amended); Instead, in DELEEUW, the Buffer 18 is "destroyed" only when the video camera is turned off or disconnected from the computer system (i.e., not by using a mouse (or the claim language of "USER-INPUT POINTING DEVICE") to click on a "close" button or the like on a window)

30. In DELEEUW 5:65-6:20, the display items 12, 14, and 16 rendered by the operating system are referred to as "windows"; whereas the transparent items 20 and 22 are referred to as "display

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components", *i.e.*, **not** as window. Thus, DELEEUW expressly indicates that the item 22 is not the same as a window. (Again, there is no other direct description of the item 22 therein);

31. With respect to the Claim limitation of "[transparent] WINDOW HAVING A FINITE-SIZE ... SMALLER THAN SAID DISPLAY DEVICE'S ENTIRE DISPLAY AREA", the following **evidences** show that DELEEUW does not teach such a claim limitation, including: (i) DELEEUW expressly states that the transparent layer (18) is "rendered to the **entire screen** of the PC's display". See DELEEUW 2:55-58; (ii) In DELEEUW, the transparent layer / video reflection is employed as a user-input means to "interact with [any] application program and operating system ... much as the user now does with a mouse ..."; See DELEEUW 3:14-26; 11:45-50; Such a teaching indicates that the transparent layer 18 shall cover the entire screen; Otherwise, it cannot be used as a user-input "much as the user does not with a mouse"; and (iii) In DELEEUW FIG. 2 and 5, the size of the Buffer 18 is made the same as the size of the operating system output frame buffer 10 (*i.e.*, the entire screen); See DELEEUW FIGS. 2 and 5. Therefore, DELEEUW does not teach the claim limitation of "[transparent] WINDOW HAVING A FINITE-SIZE ... SMALLER THAN SAID DISPLAY DEVICE'S ENTIRE DISPLAY AREA" in Claim 88.

§ 2.8. Claims 89-90

32. Claims 89-90 depend from Claim 88; they cannot be anticipated by DELEEUW when Claim 88 is not anticipated by DELEEUW, as is fully demonstrated in § 2.7. above.

§ THREE. CLAIM REJECTIONS UNDER 35 U.S.C. § 103

33. Applicant respectfully traverses the Examiner's rejections, under 35 U.S.C. § 103, of (i) Claim 62 as being unpatentable over DELEEUW; (ii) Claim 63 as being unpatentable over DELEEUW in view of RATHBONE (Window XP for Dummies; Microsoft Outlook).

§ 3.1. Error in Rejections – References not Teaching All Claim Limitations

34. In §§ 2.4-5 above is fully demonstrated the differences between Claim 61 and DELEEUW, including (i) the incoming data related difference; and (ii) the application program related difference.

35.   Claims 62-63 depend from Claim 61, and include all the claim limitations of Claim 61. Thus, the differences between Claim 61 and DELEEUW set forth in §§ 2.4-5 above shall also apply to Claims 62-63. Therefore, the prior art reference(s) cited by the Examiners in rejecting Claims 62 and 63 do not teach all the claim limitations therein; and the Examiners have failed to establish *prima facie* case of obviousness in rejecting Claims 62 and 63 under 35 U.S.C. § 103(a). In order to rely on references for obviousness rejection under 35 U.S.C. § 103(a), **all** claim limitations of Applicant's Claim must be taught or suggested by the references. *In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970); and *In re Royka*, 490 F.2d 981 (CCPA 1974).

§ 3.2. Error in Rejections – Lack of Full Response to Applicant's Arguments

36.   With respect to Claim 63, in paragraph 22 on pages 13-14 of Applicant's REPLY filed 30 March 2007 (the "30-Mar REPLY"), Applicant argued: "an user-activated application program 'Outlook Express' is **NOT** a **component** of a desktop display, which is the **default** display of the computer system". Such an argument pertains to the claim limitation of "LIVE COMPONENT ... BE DISPLAYED AS AN INTEGRATED FULL-DEFAULT-DISPLAY COMPONENT OF SAID DEFAULT DESKTOP DISPLAY" (Claim 61, as amended) (especially the limitation associated with the term "**default** (display)"). In the 26-Apr Office Action, the Examiners failed to provide any response to Applicant's such an argument. See paragraph "Argument 22" on page 11 of the 26-Apr Office Action, in which the Examiners only provided partial response to Applicant's arguments in paragraph 22 on pages 13-14 of the 30-Mar REPLY; but the response does not pertain to the limitation associated with the term "**default** (display)". Thus, Applicant would like to repeat the argument herein as follows: In all the prior art, the display of a user-activated application program, such as an Outlook Express, is **NOT a DEFAULT** display, and is not a full-default-display component of a **default** desktop display.

37.   Thus, the two references, DELEEUW and RATHBONE, in combination, do not teach the claim element/limitation of "LIVE COMPONENT ... BE DISPLAYED AS AN INTEGRATED FULL-DEFAULT-DISPLAY COMPONENT OF SAID DEFAULT DESKTOP DISPLAY" (especially the limitation associated with the term "**default** (display)")

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38.   With respect to rejection of Claim 62, Applicant does not quite understand the rationale of the Examiners' argument in paragraph "Argument 23" on page 11-12 of the 26-Apr Office Action, and it does not appear that these arguments are fully responsive to Applicant's arguments set forth in paragraph 23 on page 14 of the 30-Mar REPLY.
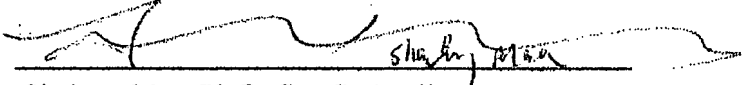
§ FOUR CONCLUSION

39.   For the foregoing reasons, Applicant respectfully requests reconsideration and further examination of the Application. Again, a preponderance of evidence is demonstrated herein in support of Applicant's traverses. Applicant had made utmost efforts in trying to explain to the Examiners the technical issues involved in the pertinent teachings of DELEEUW during the previous two telephone interviews, and will try to do the same in the ensuing telephone interview after the present Submissions are entered. The present REPLY includes detailed technical analysis of the relevant portions of DELEEUW so as to make it as convenient and easy as possible for the Examiners to get familiar with the technical issues involved. Applicant respectfully submits that the Application is in condition for allowance, and such an action by the Examiners is respectfully requested.

40.   If the Examiners have any question pertaining to the Application or to the present or previous Amendment papers, the Examiner is invited to contact the undersigned at (214) 228-8679.

Respectfully Submitted

SIGNED ON: ___17 September 2007___

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